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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/841,440 04/22/97 CLARK

W M0506/7006-G

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IM62/0520

EXAMINER

KNABLE, G

ART UNIT

PAPER NUMBER

1733

DATE MAILED:

05/20/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/841,440**

Applicant(s)  
**Clark et al.**

Examiner  
**Geoffrey L. Knable**

Group Art Unit  
**1733**



☒ Responsive to communication(s) filed on Feb 26, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 17-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 17-20 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaeris et al. (US 5,789,711) or Beaver (US 1,700,606) or Davis (US 1,132,452) or Eilhardt et al. (US 3,603,715) taken in view of Bryan et al. (US 2,882,676), Staschewski (US 3,559,390) and Davis et al. (US 3,340,112).
3. Applicant's arguments filed 2-26-1999 have been fully considered but they are not persuasive.

Applicant stresses that the prior art does not teach or render obvious passing the transmission media and core through a die which aligns the transmission media with surface features of the core. Applicant however also suggests that "while the primary references do teach the desirability of employing a manufacturing method which aligns the cable transmission elements with an insulating cable core, none teaches or suggests any such method."

It is agreed that no reference explicitly suggests a detailed method as claimed including aligning the elements with the core for making a cable as in the primary references. However, and as acknowledged by applicant, the ordinary artisan would have been motivated by the primary references to adopt or select a method in which such alignment is assured (note again

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the above quoted statement where it is acknowledged by applicant that the primary references would suggest the desirability of such a method). In light of the applied secondary references, it is submitted that conventional cabling processing includes use of stationary guides for aligning the various elements to be assembled in a downstream bunching. While these references do not explicitly suggest making a cable having a shaped core with aligned elements as in the primary references (although e.g. Staschewski would suggest broadly that a core can be used), it is submitted that the ordinary artisan would have found it to be a natural and obvious extension of this processing to the making of cables as in the primary references to also provide a suitable opening in the guide plate for the core. Further, motivated by the desire to assure alignment with the surface features of the core, it would have been obvious and readily apparent to the ordinary artisan that the guide should provide or maintain the cables and core in the desired spatial relationship to each other.

In other words, lacking a specific teaching of how to form the cable structures shown in the primary references, the ordinary artisan would certainly have been motivated to adopt or adapt conventional formation techniques. Insofar as using stationary upstream guide plates or "dies" for the various wires

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to be assembled is conventional in forming cables in this art, it would seem that the normal and obvious adaptation of this conventional methodology to forming a cored cable would be to include an appropriate opening for the core in the guide plate. Further, as the ordinary artisan would have desired a method that assures alignment with the surface features of the core, it is submitted that it would have been obvious and readily apparent that the guide should provide or maintain the cables and core in the desired spatial relationship to each other.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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5. Any inquiry concerning this communication should be directed to Geof Knable at telephone number (703) 308-2062. The fax phone numbers for Art Unit 1733 are (703) 305-3599 for Official After Final faxes and (703) 305-7718 for all other Official faxes.

  
GEOFFREY L. KNABLE  
PRIMARY EXAMINER  
GROUP 1700

G. Knable  
May 19, 1999